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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,742

09/11/2006

Ludovicus Johannes Lambertus Haenen

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03/17/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SANGHAVI, HEMANG

ART UNIT

PAPER NUMBER

2874

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,742	<b>Applicant(s)</b> HAENEN ET AL.	
	<b>Examiner</b> HEMANG SANGHAVI	<b>Art Unit</b> 2874	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/25/07</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

The preliminary amendment filed on September 11, 2006 has been entered.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

The prior art documents submitted by Applicant(s) in the Information Disclosure Statement(s) filed on 04/25/07 have all been considered and made of record (note the attached copy of form(s) PTO-1449).

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 10, the term "plate-like guiding member" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claims unascertainable.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board

of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 2 recites the broad recitation the coupling-out surface has an oblong shape having a length of more than five times, and the claim also recites preferably more than ten times which is the narrower statement of the range/limitation.

Claim 4 recites the broad recitation the direction is between 15 and 55, and the claim also recites preferably between 35 and 45, more preferably about 40 which is the narrower statement of the range/limitation.

Claims 3 and 5-9 are necessarily rejected, since these claims directly or indirectly depend upon the rejected base claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

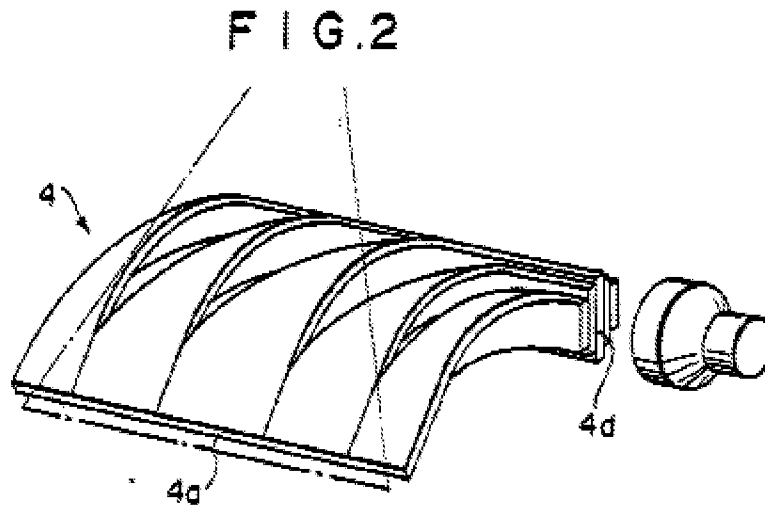
Claims 1-2 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Karasawa (US 4,824,194).

Karasawa discloses light guide comprising light guiding members stacked together to form coupling-in surface (4d) and a coupling-out surface (4a). As can be seen in Fig. 2, the coupling-out surface has dimensions other than those of the coupling-in surface. The light guiding members are bent so that the coupling-out surface is perpendicular to the coupling-in surface. See lines 28-68 of column 4.

As to claim 2, see Fig. 3 and related description.

As to claims 5-6, the cross sectional area of the light guiding member increases in the main direction.

As to claims 8-9, the light guide member has thickness that increases in the second main direction. See Fig. 2.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa.

As to claims 3-4, Karasawa fails to disclose provide the light guiding embers with lateral reflecting surface at an angle.

As shown in Figs. of Karasawa, the light guiding members including outer reflecting surface are bent in a circular arc. In lines 28-34, Karasawa teaches that the light guiding members may be bent into other various shapes and may be bent into shapes different from each other.

From collective teachings of Karasawa, the ordinary artisan would have found it obvious to bent the light guiding members at an angle for the purpose of providing desired light illumination at the coupling-out surface.

As to claim 7, Karasawa fails to disclose gluing of light guiding members with optical glue near the coupling-in surface.

As disclosed in Karasawa, the guiding members are stacked together to form a light guide. It is extremely well known in the art to attach optical components together with optical glue so that the strong bond is created between the components without compromising the light guiding function. It is certainly desirable in Karasawa to firmly attach the light guiding members together after the desired coupling-in surface and coupling-out surface are formed so that there is no movement between the guiding

members. It should be noted that Karasawa also provides suggestion of molding the light guiding members to form a unitary light guide.

From available well known techniques and desirability in Karasawa, the ordinary artisan would have found it to be obvious at the time of the invention to attach the light guiding members with an optical glue at the coupling-in surface for the purpose of advantageously increasing mechanical strength of the device and avoiding any movement between the light guiding members.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Russell discloses a three-layer light guide transports with tapered cross section. Shani discloses a backlight assembly including stacking of plurality of light guides. However this reference is not available as prior art due to its publication date.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEMANG SANGHAVI whose telephone number is (571)272-9955. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hemang Sanghavi/

Primary Examiner, Art Unit 2874